

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	MB Docket No. 14-57
Issues Raised By Certain Programmers and)	
Broadcasters Regarding the Production of Certain)	MB Docket No. 14-90
Documents in Comcast-Time Warner Cable-Charter)	
and AT&T-Directv Transaction Proceedings)	

Comments of BBC America

New Video Channel America LLC dba BBC America (“BBC America”), having not previously commented in the above referenced dockets, and thereby not being a party to either proceeding wishes to respond to the Public Notice released September 23, 2014 regarding the production of certain highly confidential documents belonging to BBC America. BBC America joins other broadcasters and programmers in protesting the release of programming and service licensing agreements (“Distribution Agreements”) unless the Federal Communications Commission can ensure the highest level of confidentiality for these documents.

Distribution Agreements are amongst the most confidential and closely held documents in the media industry. Containing sensitive distribution and pricing information, if viewed by competitors, other buyers, suppliers or any other industry representatives, this disclosure could substantially impact BBC America’s ability to conduct its business and compete. The Distribution Agreements sought by the Federal Communications Commission (“the Commission”) outline, in detail, all aspects of BBC America’s relationship with each of Comcast, Time Warner Cable and Charter Communications. Given that BBC America is not a party to this transaction, the production and release of these documents is not the result of any

action of BBC America and outside of our control. While we agree that these documents are essential to regulators in order to ensure rigorous analysis this transaction deserves, the documents could cause substantial harm to BBC America if they are more broadly distributed.

Under the current protective order, the Commission cannot guarantee that individuals who have submitted an Acknowledgement of Confidentiality do not presently or will not in the future, serve in a business function that involves negotiating Distribution Agreements and therefore the current protective order is insufficient to protect these documents. Accordingly, BBC America proposes that any party, outside of the Commissioners and staff of the Federal Communications Commission and the Department of Justice, wishing to view highly confidential Distribution Agreements should be required to make such a request in writing and file it electronically via ECFS. A separate request should be required for each programmer or broadcaster and for each contract produced by the parties of the transactions. In addition, the parties to the relevant Distribution Agreements should be afforded a minimum of 2 business days to reject to any request for access to such agreements if the parties have reason to believe the requestor is involved in competitive decision-making. Finally, no person with access to Distribution Agreements should be permitted to create, possess or distribute a facsimile of Distribution Agreements in any form.

BBC America understands that the Commission has an important role in ensuring the proposed transaction is in the public interest. Understanding the video programming marketplace and the concessions made by programmers to gain carriage are essential to this end. BBC America believes the framework it is proposing for the review of these highly confidential documents appropriately balances the need for transparency with the business risk associated with widespread distribution of this critically sensitive information.

Respectfully Submitted:

_____/s/_____
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September 26, 2014